

### **REMARKS**

The non-final Office Action examined claims 1-4 & 6-27 and rejected them. With this paper, some claims are now amended, none are canceled, and no new claims are added, so that claims 1-4 & 6-27 remain pending. The independent claims are 1, 11, 19, 21, 22, 24 and 26. All of the present amendments are fully supported by the specification as originally filed, and introduce no new matter.

At page 3 of the Office Action, all claims are rejected under 35 USC §102(b) as being anticipated by *Inoue et al.* (US Pat. No. 6,332,024). The Office Action asserts that *Inoue* discloses all of the limitations of each of the claims. Applicant respectfully disagrees, for the reasons set forth below.

### **Objections to the Claims**

At page 2 of the Office Action, claims 24-25 are objected to for reciting the term “storage medium readable” which is not defined in the specification. Applicant respectfully submits that “storage medium readable by a computer” employs common English terminology in widespread use, and therefore the instant use is not inconsistent with the generally understood meaning, and no definition is necessary in order for one of ordinary skill in the art to ascertain the meaning. Additionally, Applicant respectfully point out that the specification explains, at pp. 8, lines 20-21 of the application as originally filed, that the storage medium can be a memory unit.

### **Rejections under 35 USC §101**

At page 2 of the Office Action, claims 22-23 are rejected as being directed to non-statutory subject matter. These claims are now amended so as to obviate this grounds for rejection.

### **Rejection of Claim 11 Under 35 USC §102**

Regarding present claim 11, the Office Action asserts at page 5 (relying on Fig. 13E of *Inoue*) that *Inoue* discloses a display format comprising one or more selection elements, at least

one selection element comprising an auxiliary element, and only an active selection element comprising a visible auxiliary element. Applicant respectfully submits that *Inoue* Fig. 13E does **not** disclose that selection elements comprise auxiliary elements of any kind, visible or not visible.

Figure 13E of *Inoue* shows several selection elements, from “1 NEWS” to “6 TRAVEL.” It further displays a battery life indicator, a signal strength meter, and a message prompt. At the bottom of the screen is “Browser Function Icon Group” BG4, used to perform browser functions when navigating the internet. The Office Action asserts that the buttons G42 and G43 (of BG4) are “auxiliary element[s].” Assuming that G42 or G43 is an auxiliary element, **it is not comprised within any of the selection elements** 1-6 as presently claimed by claim 11.

G42 and G43 are clearly separate from the six selection elements, and they are not encapsulated within the active selection element or any other selection element. Applicant respectfully points out that Figs. 3 & 4 of the instant application show examples of selection elements **comprising** auxiliary elements; namely, selection element 3 comprises the auxiliary elements 4a and 4b. Applicant respectfully reiterates that the *Inoue*’s selection element “1 NEWS” does not “comprise” buttons G42 and G43, as per the language of present claim 11.

This argument equally applies to the corresponding limitation of independent claim 21.

### **Rejection of Claim 1 Under 35 USC §102**

For the reasons stated above with regard to claim 11, Applicant asserts that *Inoue* does not disclose “displaying an auxiliary element only in the one of the selection elements” in claim 1. As explained above, the auxiliary elements of *Inoue* (i.e. G42 and G43) are not located in any of *Inoue*’s selection elements “1 NEWS” to “6 TRAVEL.”

Applicant also respectfully submits that claim 1 should be allowed for additional reasons. The Office Action is incorrect to assert that magnifying and highlighting are similar actions. At page 3 of the Office Action, the Office Action states that “the selection ‘NEWS’ is highlighted to indicate magnifying the selection,” in reference to *Inoue*’s Fig. 13E. Likewise, at page 7 of the Office Action, the Office Action states that “the key ‘G42’ is highlighted to indicate the

magnifying of the selected key G42.” But as far as applicant can determine, *Inoue* does not teach or suggest magnifying a selection element. Magnifying and highlighting are not the same.

In Fig. 13E of *Inoue*, the polarity of the selection element “1 NEWS” is reversed--black text on a white background is transformed into white text on a black background. That highlighting of the element “1 NEWS” serves to clearly indicate to the user that the element “1 NEWS” is active and ready to be selected. This is not the same as the “magnifying” claimed in present claim 1 of the instant invention.

To magnify means to increase the apparent size of any object by artificial means. Although magnifying may cause text or icons to be displayed in a manner intended to emphasize their selection, magnifying and highlighting are not synonymous. In this context, magnifying imposes a limitation not satisfied by mere highlighting, because *Inoue* does not suggest increasing the size of the active selection element. As is clearly shown in all figures of the instant application, magnification (in the context of the present invention) relates to increasing the size of an active selection element, such as the envelope in the tool bar 1, which is enlarged below tool bar 1. Should the meaning of “magnify” remain unclear, page 4, lines 5-10 of the application as originally filed further describes what is meant by the term. *Inoue*, in contrast, does not teach or suggest increasing the size of a selection element, or magnification of anything in any capacity.

Furthermore, Applicant respectfully points out that claim 1 recites: “displaying an auxiliary element only in the one of the selection elements that has been activated.” Even if *Inoue*’s auxiliary elements G42 and G43 (purportedly shown by *Inoue* Fig. 13E) were displayed in selection element C<sub>G4</sub> (“1 NEWS”), there is no suggestion in *Inoue* to not also display them as part of an independent browser control group B<sub>G4</sub>. Therefore, the Office Action cannot correctly say that *Inoue* discloses displaying an auxiliary element only in a selection element that has been activated, as presently claimed. Fig. 14B of *Inoue* clearly shows auxiliary elements G42 and G43 being displayed without activating any selection element, and so *Inoue* teaches away from displaying an auxiliary element only in an activated element, as presently claimed.

Moreover, present claim 1 also recites: “the at least one auxiliary element includes at least one directional indicator indicating possible navigating directions for activating an other of the selection elements displayed outside said one of the selection elements.” However, buttons G42 &

G42 do not indicate possible navigation directions for activating another of the selection elements; they are defined as browser controls, and operate in a manner identical to the forwards and backwards buttons found on any graphical web browser. That is, they are used for navigating between previously visited pages and menus. Applicant respectfully submits that the browser function buttons of *Inoue* do not directionally indicate possible navigation directions for activating another of the selection elements; those browser function buttons are not even pointing in an appropriate direction to accomplish such a thing. In other words, there are no selection elements shown in the cited Fig. 13E to the left or to the right of any other selection element; “1 NEWS” to “6 TRAVEL” are all located above or below each other. If *Inoue* discloses using browser function buttons to directionally illustrate the positions of other selection elements, it is not in any passage cited in the Office Action, nor has Applicant been able to locate it in the published *Inoue* patent.

The reasons above further apply to the corresponding limitations of independent claims 19, 22, 26 and 24.

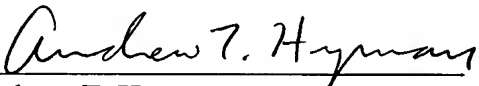
**Conclusion**

For all the foregoing reasons it is respectfully believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant respectfully requests that the rejections under 35 USC §102 based on *Inoue* be reconsidered and withdrawn. Applicant's attorney asks that the Examiner please call to discuss the present response by telephone, if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

Dated: October 1, 2007

WARE, FRESSOLA, VAN DER  
SLUYS & ADOLPHSON LLP  
Building Five, Bradford Green  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955

  
Andrew T. Hyman  
Attorney for Applicant  
Registration No. 45,858